

REMARKS

Claims 1, 3-9, 11-17, 19-25, 27-29, and 31-36 are pending in the Application. Claims 1, 3, 5-6, 9, 11, 17, 19-20, 25, 27, 29, 33, and 35 are currently amended to clarify the present invention as embodied in these claims. No new matter has been added.

I. CLAIM OBJECTIONS

Claim 31 stands objected to due to informalities. Claim 31 is currently amended to correct the informality and is believed to have overcome the objection.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 101

Claims 1, 3-7, 9-12, 25, 27, 31, and 33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicants first respectfully submit that claims 1 and 9 explicitly recite “quiescing resource consumer activity in a computer system” and “storing the resource plan in a tangible medium for use by the computer system”. Applicants respectfully submit that such claims are not only drawn to practical applications in the technological arts but also produce physical transformation as the claimed limitations invariably involve invocation and termination of physical resources on a computer system and are thus believed to have overcome the rejection under 35 U.S.C. § 101.

Nonetheless, independent claim 1 is currently amended to clarify the present invention as embodied in this claim. Applicants thus respectfully request the rejections be withdrawn and the claims be reconsidered.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 3, 5-7, 11, 25, 27, 31, and 33 stand rejected under 35 U.S.C. § 112, second paragraph.

A. The Office Action cites to language of claim 3 of “a first/second group of resource consumer”. Claim 3 does not contain such a claim element of “first/second group”. However, claim 3 is currently amended to correct a minor clerical error by changing “second group” to “fourth group”. Claim 11 represent the computer program product claim reciting similar limitations and is thus similarly amended to correct the same clerical error. Thus, claims 3 and 11 are believed to have overcome the rejections under 35 U.S.C. § 112, second paragraph.

Claim 5 does not recite any second group. Applicants respectfully request the Examiner to particular point out which part of claim 5 stands rejected under 35 U.S.C. § 112, second paragraph. However, claim 5 is currently amended to correct a minor clerical error and is thus believed to have overcome the rejections under 35 U.S.C. § 112, second paragraph. .

Claim 6 is currently amended to correct a minor clerical mistake by changing “second group” to “fifth group” and is thus believed to have overcome the rejections under 35 U.S.C. § 112, second paragraph. .

B. Claims 25, 27, 29, 31, and 33 are also currently amended to conform with the language of claims 1, 9, and 17 from which claims 25, 27, 29, 31, and 33 respectively depend and are thus believed to have overcome the rejections under 35 U.S.C. § 112, second paragraph.

IV. CLAIM REJECTION UNDER 35 U.S.C. § 102(e)

The Office Action cites to various passages and figures of Sitaraman and concludes that Sitaraman anticipates all the claimed limitations of claim 1. Applicants respectfully traverse.

A. Applicants first respectfully submit that Sitaraman does not disclose all the claimed limitations of independent claims 1, 9, and 17 which recite similar limitations of:

preventing a first resource consumer of a first group from starting a new activity on the computer system based upon a resource plan, in which ***the resource plan comprises a limit on a maximum number of active sessions for the first group;***

allowing a second resource consumer of a second group to continue an already-running activity on the computer system, in which ***the***

resource plan further comprises a second limit on a second maximum number of active sessions for the second group;

Sitaraman discloses the use of a maximum number of VPN sessions to determine whether new sessions should be rejected. **Abstract** and **col. 6, ll. 55-65**. Applicants first respectfully submit that Sitaraman does not categorize the sessions into groups; instead, Sitaraman only has one single group comprising all the sessions in the entire network. More specifically, Sitaraman uses “**a maximum number** of VPN sessions to provide . . . users **over the entire data communications network** . . .” **Abstract** and **col. 3, ll. 53-57**. That is, Sitaraman only has one single group, which constitutes the entire data communication network, for all the VPN sessions but does not distinguish or categorize any sessions into multiple groups. In contrast, independent claim 1 explicitly recite the limitation of a resource plan comprising **a limit** on maximum number of active sessions for the **first group** and a **second maximum number** of active sessions for the **second group**. Therefore, unlike claim 1, Sitaraman’s sessions are not categorized into multiple groups but form, at best, a single group.

B. Moreover, Whether or not the maximum number of VPN sessions discloses the claimed limitations of maximum number of active sessions, Sitaraman does not disclose placing a limit on the first group and a second limit on the second group of sessions. In fact, Sitaraman only has a single limit which is the maximum number of VPN sessions over the entire network.

C. Additionally, the Office Action cites to **Figs. 3-4** containing “network max / abs max sessions”, **col. 5, ll. 54-65** containing “groups”, **col. 3, ll. 21-26** and **Fig. 6** containing “wholesale user”, **col. 56, ll. 54-61** containing “reject access” and concludes that the above cited passages and figures of Sitaraman anticipate the claimed limitations of “*preventing a first resource consumer of a first group from starting a new activity on the computer system based upon a resource plan, in which the resource plan comprises a limit on a maximum number of active sessions ready to be executed for the first group*” of claim 1. Applicants further respectfully submit that Sitaraman does not disclose, and the Office Action does not cite to any part of Sitaraman to show the claimed limitation of “*resource plan*” of claim 1. Should the Examiner

disagrees, Applicants respectfully ask the Examiner to point out which part of Sitaraman discloses the above identified claimed limitations.

As such, Applicants respectfully submit that Sitaraman does not disclose at least the above claimed limitations of claims 1, 9, and 17 and thus may not be used to preclude their patentability. Claims 1, 9, 17, and their respective dependent claims are thus believed to be allowable over Sitaraman for at least the foregoing reasons.

V. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Applicants respectfully submit that as Sitaraman does not constitute proper § 102(e) reference for at least the foregoing reasons, Sitaraman may not be combined with Jones to reject the claims under 35 U.S.C. § 103(a).

CONCLUSION

Based on the foregoing, all remaining claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

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Respectfully submitted,

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